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Congress of the United States  
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May 2, 2014

The Honorable Ernest Moniz  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

Dear Mr. Secretary:

We are writing to you about the Western Area Power Administration's (Western) December 30, 2013, Federal Register notice regarding the Boulder Canyon Project – Post -2017 Resource Pool final marketing criteria.

On March 8, 2013, we wrote a letter to Secretary Steven Chu in which we expressed concern about the "proposed marketing criteria" published in the Federal Register on October 30, 2012. Our concerns were predicated upon our belief that Western exceeded its authority and circumvented Congressional intent in its interpretation of the Hoover Power Allocation Act of 2011 (Public Law 112-72) (HPAA). Our misgivings have not subsided with the publishing of the final marketing criteria.

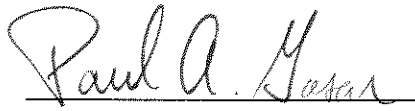
Although we applaud Western's overall effort in developing Post-2017 Hoover Power reallocation rules, we believe the establishment of the priority protocol is misguided and outside the intent contained in House Report 112-159, which accompanied HPAA. In that report the House Natural Resources Committee specifically directed, **"...the administrative process should fairly and equitably determine allocations from the new power pool, with the opportunity for irrigation districts, rural electric cooperatives and other eligible entities to receive allocations from the new proposed Schedule D."**

The Committee further instructed Western to **"...act in an impartial and unbiased manner to make allocation determinations in an objective manner consistent with state and federal preference standards."**

Although the HPAA did afford Western and the Department some latitude in developing an "impartial and unbiased" process to "fairly and equitably determine allocations;" clearly, Congress did not intend for Western to establish the priority system outlined in the final marketing criteria.

As Western and its Customers embark along the path to Post-2017 Hoover Power allocations, the success of the legislative initiative will be (and should be) judged by Western's allocation distribution. Along these lines, we ask that the Department remain vigilant in ensuring that the process is handled in strict accordance with existing rules, regulations, and ethical guidelines. Ultimately, it remains imperative that Western allocate the Schedule D power to promote "widespread use" to meet the intent of Congress in passing the HPAA.

Sincerely,

A handwritten signature in cursive script, reading "Paul A. Gosar".

Paul A. Gosar, D.D.S.  
Members of Congress

A handwritten signature in cursive script, reading "Ed Pastor".

Ed Pastor  
Member of Congress